

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JAN 05 2007

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DEPUTY
EARL DOUGLAS FIELDS,) Civil Action No. 7:06-cv-00701
Petitioner,)
v.)
FINAL ORDER
GENE M. JOHNSON,) By: Hon. James C. Turk
Respondent.) Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that this petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED** as untimely, pursuant to Rule 4 of the Rules Governing § 2254 Proceedings, and 28 U.S.C. § 2244(d)(1); petitioner's motion for appointment of counsel is hereby **DENIED**; and that this action is stricken from the active docket of this court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and to counsel of record for the respondent.

ENTER: This 5th day of January, 2007.

Danes G. Ture
Senior United States District Judge